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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,875	03/10/2004	James Devin Moncus	658.004	5067

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EXAMINER

NEWVILLE, TONI E

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/797,875

Applicant(s)

MONCUS ET AL.

Examiner

Toni Newville

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 19-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 10 is/are rejected.
- 7) ☒ Claim(s) 6-9 and 11-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-18 and 23-25, drawn to an apparatus for supporting an injector head, classified in class 166, subclass 352.
  - II. Claims 19-22, drawn to a method for compensating for the movement of a floating platform, classified in class 166, subclass 355.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h). In the instant case Group I can be used to support a device in any situation involving compensation for environmental motion, such as a building structure during an earthquake.

Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Dean Domingue on 3/1/2006 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-18 and 23-25. Affirmation of this election must be made by applicant in replying to this Office action. Claims 19-22 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Drawings***

2. The drawings are objected to because Figures 5 and 6 should denote the tilt angle of the injector head as "T1" and "T2", respectively, as described in page 15 lines 16 and 21 of the specification, instead of "T" as they are both currently labeled. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be

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canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because of the following informalities:
- The question marks following "arrow A" on page 9 line 5 should be deleted
  - "Top plate weldment 120" on page 11 line 15 should be "top plate weldment 140"

Appropriate correction is required.

### ***Claim Objections***

4. Claim 1 is objected to because of the following informalities: the limitation "upper frame" in line 13 should be "z-axis frame". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-18 and 23-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 10 and 23 are misdescriptive in that they describe the x-axis and z-axis frames as "movable along a x-axis" and "movable along a z-axis", respectively, whereas in the specification the frames are described as "the x-axis frame to pivot...in the x-axis as seen by arrow A" and "the z-axis frame pivots in the z-axis as seen by arrow B." The terminology in the claims of "movable along" the respective axes seems to refer to back-and-forth translational movement, which is inconsistent with the pivoting movement described in the specification.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-5, 10 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bromell et al., US RE27261, in view of Headworth, US 6772840.

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Regarding claim 1, Bromell discloses an apparatus capable of supporting an injector head on a platform (11) comprising:

- A base frame (23) mounted to the platform (11), the base frame (23) having a first bracket and a second bracket (104) attached thereto,
- An x-axis frame (106) having a first pivot point (105) and a second pivot point (111), and wherein the first pivot point (105) is pivotally connected to the first bracket (104) and the second pivot point (111) is pivotally connected to the second bracket (104) so that the x-axis frame is movable along an x axis (pitching);
- A z-axis frame (12) having a third pivot point (113) and a fourth pivot point (114), and wherein the third pivot point (113) is pivotally connected to the third bracket (115) and the fourth pivot point (114) is pivotally connected to the fourth bracket (116), and wherein the z-axis frame is movable along a z-axis (rolling);
- A sliding frame assembly (18, 19, 21, 22) operatively positioned laterally within the z-axis frame and wherein the sliding frame assembly has a plurality of rods (21, 22) and wherein an injector head is capable of being operatively connected to the rods;
- A top plate (16) attached to the z-axis frame so that a cavity is formed, and wherein the sliding frame assembly is laterally contained within the cavity (Fig. 1).

Bromell discloses equipment being supported by the apparatus (near 16), but fails to disclose an injector head being supported by the apparatus and being operatively connected to the rods (21, 22).

Like Bromell, Headworth discloses an apparatus (130) for supporting drilling and production equipment on an offshore platform. Unlike Bromell, Headworth discloses an injector head (126) mounted on the apparatus (130) for insertion of tubing through a riser (64).

Given the suggestion in Headworth, it would have been obvious to mount an injector head (Headworth; 126) on the supporting apparatus of Bromell because injector heads are commonly known pieces of hydrocarbon production equipment generally used for insertion of coiled tubing through a riser and into a wellbore, injector heads needing to compensate for vessel movement so as not to strain the coiled tubing.

Regarding claim 2, Bromell discloses the sliding frame assembly (18, 19) comprising a sliding layer and an adapter frame and wherein the adapted frame is operatively connected with the rods.

Regarding claim 3, Bromell discloses the platform (11) being a floating platform (Fig. 4), and the injector head (126) of Headworth is connected to a riser (64) as described above in claim 1.

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Regarding claim 4, Bromell further discloses an x-axis biasing means (cylinders 35, 36) for biasing the x-axis frame (106) along the x-axis.

Regarding claim 5, Bromell further discloses a z-axis biasing means (cylinders 33, 34) for biasing the z-axis frame along the z-axis.

Regarding claim 10, Bromell and Headworth disclose a combination of apparatuses for supporting a coiled tubing injector head as described above regarding claim 1. Bromell further discloses motion restriction means (closure of cylinder valves 54, 64) for restricting the x-axis frame movement along the x-axis and the z-axis frame movement along the z-axis.

Regarding claims 23-25, the limitations therein are described above in the rejection of claim 1.

***Allowable Subject Matter***

9. Claims 6-9 and 11-18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

**Conclusion**

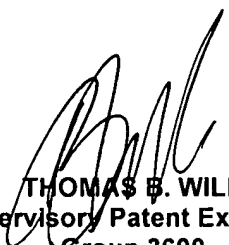
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toni Newville whose telephone number is (571) 272 - 1548. The examiner can normally be reached on Monday - Friday 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on (571) 272-6998. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Toni Newville  
March 6, 2006

  
**THOMAS B. WILL**  
Supervisory Patent Examiner  
Group 3600